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### AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions and listings of claims in the application:

1           1.       (Currently amended) A computer system communicatively coupled to a  
2 network, comprising:  
3           a programmable non-volatile memory;  
4           at least one microprocessor operatively coupled to execute at least one instruction  
5 from the programmable non-volatile memory in response to a boot request, the  
6 microprocessor configured to controllably write to the programmable non-volatile  
7 memory; and  
8           at least one fixed storage device operatively coupled to the at least one  
9 microprocessor, the fixed storage device containing a boot image that is configured with  
10 appropriate instruction code suited to transition the at least one microprocessor to an  
11 operational mode, wherein the at least one fixed storage device receives and stores a  
12 modified boot memory comprising:  
13           a system loader;  
14           a configuration file; and  
15           executable files configured containing execution code and data necessary  
16 for the at least one microprocessor to write a firmware upgrade to the programmable non-  
17 volatile memory.

1           2.       (Canceled)

1           3.       (Currently amended) The computer system of claim 2 1, wherein the  
2 ~~firmware upgrade patch comprises~~ executable files comprise an install application.

1           4.       (Currently amended) The computer system of claim 2 1, wherein the  
2 ~~firmware upgrade patch comprises~~ at least one fixed storage device receives and stores a  
3 copy of the new firmware.

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1           5.       (Currently amended) The computer system of claim 2 1, wherein the  
2 ~~firmware upgrade patch comprises at least one fixed storage device receives and stores a~~  
3 ~~flash an~~ application.

1           6.       (Currently amended) The computer system of claim 5, wherein the flash  
2 application comprises a bootable kernel.

1           7.       (Currently amended) The computer system of claim 6, wherein the  
2 bootable kernel comprises ~~a system loader interface~~ an operating system.

1           8.       (Currently amended) The computer system of claim 6, wherein the  
2 bootable kernel comprises ~~a reboot logic~~ file management system.

1           9.       (Currently amended) A computer network, comprising:  
2 a plurality of computer systems communicatively coupled to a network  
3 infrastructure, each of the plurality of computer systems configured with a non-volatile  
4 memory containing a common firmware version designated for replacement and  
5 ~~configured with~~ a fixed storage device containing a boot image having appropriate  
6 instruction code suited to transition the respective computer system to an operational  
7 mode;  
8 a user input device communicatively coupled to at least one computer system  
9 communicatively coupled to the network infrastructure, the at least one computer system  
10 configured with write access permission for the respective fixed storage device  
11 associated with each of the plurality of computer systems, wherein an input from the user  
12 input device initiates a transfer of a ~~modified boot patch~~ memory map and a firmware  
13 upgrade patch to the plurality of computer systems, the firmware upgrade patch  
14 comprising a bootable kernel.

1           10.      (Currently amended) The network of claim 9, wherein the firmware  
2 upgrade patch and the ~~modified boot patch~~ memory include instruction code necessary to  
3 support the replacement of the common firmware version ~~designated for replacement~~ by  
4 each of the respective plurality of computer systems.

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1 11. (Canceled)

1 12. (Currently amended) The network of claim ~~10~~ 9, wherein the firmware  
2 upgrade patch comprises ~~a flash~~ an application that contains ~~a system loader interface~~ an  
3 operating system.

1 13. (Currently amended) The network of claim ~~10~~ 9, wherein the firmware  
2 upgrade patch comprises ~~a flash~~ an application that contains a ~~reboot logie~~ file  
3 management system.

1 14. (Original) A computer system communicatively coupled to a network,  
2 comprising:  
3 means for accessing data stored on a memory device that retains data when power  
4 is removed from the memory device, the accessing means responsive to power being  
5 applied to the computer system; and  
6 means for selectively writing to the memory device in response to a remote input  
7 designated to initiate the replacement of the data stored on the memory device, wherein  
8 the new data to be stored and a bootable kernel are stored on a fixed storage device  
9 within the computer system in response to the remote input.

1 15. (Original) The computer system of claim 14, wherein the accessing  
2 means comprises a programmable non-volatile memory.

1 16. (Currently amended) The computer system of claim 14, wherein the  
2 writing means further comprises:  
3 means for storing ~~a system loader interface~~ an operating system and a file  
4 management system on the fixed storage device; and  
5 means for modifying an initial system loader address in response to the remote  
6 input.

1 17. (Original) The computer system of claim 15, wherein the  
2 programmable non-volatile memory comprises an electrically erasable programmable  
3 read only memory.

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1 18. (Currently amended) A method for performing a firmware upgrade,  
2 comprising:  
3 delivering a firmware install patch containing a ~~modified~~ boot image to a boot  
4 disk within a plurality of networked computer systems each of said computer systems  
5 having a firmware version designated for the firmware upgrade;  
6 initiating an install application contained within the firmware install patch, said  
7 install application containing instructions suited to perform the firmware upgrade;  
8 modifying an initial a system loader ~~configuration~~ file in response to the install  
9 application to direct a microprocessor to execute instructions from the ~~modified~~ boot  
10 image upon a subsequent microprocessor ~~boot request~~ reset input;  
11 initiating a microprocessor ~~boot request~~ reset input in response to the install  
12 application that loads a plurality of instructions in accordance with the ~~modified~~ boot  
13 image;  
14 erasing the firmware within each of the plurality of networked computer systems  
15 in response to the install application; and  
16 writing the new firmware to each of the plurality of networked computer systems  
17 in response to the install application.

1 19. (Original) The method of claim 18, wherein delivering a firmware  
2 install patch comprises a network data transfer.

1 20. (Currently amended) The method of claim 18, wherein the delivered  
2 firmware install patch comprises a ~~modified~~ boot image that contains an operating  
3 system, a file manager, and at least one executable configured to verify the version of the  
4 firmware stored in the computer system prior to writing the new firmware a flash  
5 application.

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1        21. (Currently amended) The method of claim 18, further comprising:  
2        installing an operating system that requires the new firmware;  
3        installing a software ~~patches~~ patch that ~~require~~ requires the new firmware;  
4        redirecting the initial system loader to select the appropriate memory address  
5        upon subsequent microprocessor ~~boot requests~~ reset inputs to apply the upgraded  
6        firmware, operating system, and software ~~patches~~ patch; and  
7        removing the firmware install patch from the computer system.

1        22-26. (Canceled)

1        27. (New) A computer system communicatively coupled to a network,  
2        comprising:  
3        a programmable non-volatile memory having a first firmware;  
4        at least one microprocessor operatively coupled to controllably write to the  
5        programmable non-volatile memory and execute at least one instruction from the  
6        programmable non-volatile memory in response to a boot request; and  
7        at least one fixed storage device operatively coupled to the at least one  
8        microprocessor, the storage device containing a firmware patch comprising:  
9        a patch memory map comprising an index that identifies the location of:  
10        an install application;  
11        a second firmware different from the first firmware; and  
12        a flash application comprising:  
13        a bootable kernel including a system loader interface and  
14        reboot logic;  
15        a firmware update logic; and  
16        a non-volatile memory interface.

1        28. (New) The computer system of claim 27, wherein a system loader  
2        executes the flash application.

1        29. (New) The computer system of claim 27, wherein the firmware update  
2        logic and the non-volatile memory interface store the second firmware on the non-  
3        volatile memory.

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1           30.   (New) The computer system of claim 27, wherein the flash application  
2   instructs the system loader to select the bootable kernel upon a boot request.

1           31.   (New) The computer system of claim 30, wherein upon the occurrence of  
2   the boot request, the new firmware and system loader transfer an operating system to a  
3   random access memory communicatively coupled to the at least one microprocessor.


1           32.   (New) The computer system of claim 30, wherein the install application  
2   executes a file system operation.

1           33.   (New) The computer system of claim 32, wherein the file system  
2   operation results in the removal of the firmware patch from the at least one fixed storage  
3   device.

Respectfully submitted,

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